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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,109	03/11/2004	Soichiro Kato	Q80388	3007
65565	7590	03/06/2008		
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EXAMINER				
JOYCE, WILLIAM C				
ART UNIT		PAPER NUMBER		
3682				
MAIL DATE		DELIVERY MODE		
03/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,109

Applicant(s)

KATO ET AL.

Examiner

William C. Joyce

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 9/19/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to the amendment filed December 10, 2007 for the above identified patent application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michioka (JP 11-2241) in view of Pitner (USP 3,964,802).

Michioka discloses a linear guide apparatus comprising: a guide rail (10) including an axially elongating rolling element rolling groove in each of sides thereof, and extended in an axial direction; a slider (20) including rolling element rolling grooves respectively opposed to the rolling element rolling grooves of the guide rail, and straddling the guide rail to be relatively movable in the axial direction via a number of rolling members, the rolling members serving as rolling elements interposed between the opposed rolling element rolling grooves, separators (4) each having: a separator body interposed between adjacent the rolling members; and an arm portion (5) integrally formed on the separator body and contacting the rolling elements, wherein the slider includes a slider body having a rolling element path passing through the body in the axial direction; and a pair of end caps (50) respectively having curved direction

change paths through which a pair of the rolling element rolling grooves communicates with the rolling element path, the end caps being respectively fixed to axial end faces of the slider body; a guide groove (90) guiding the arm portions of the separators in a circulation direction of the rolling elements when the rolling elements circulate through the pair of the rolling element rolling grooves, the direction change paths, and the rolling element path, wherein a width of the guide groove is larger than a width of each of the arm portions, the width of the guide groove in a region of each of the direction change paths is larger than the width of the guide groove in a region where the rolling elements linearly move, the end portions being directed in the circulation direction of the rolling elements, and wherein the direction change paths comprise an inner guide groove formed on an inner-diameter side of the direction change paths so that end portions thereof smoothly continue from the rolling element rolling groove.

Michioka does not teach the rolling elements as cylindrical rollers, however it was well known in the art to use cylindrical rollers in a linear guide device. For example, the prior art to Pitner teaches a linear guide device having cylindrical rollers. It would have been obvious to one of ordinary skill in the art to modify the device of Michioka so as to use cylindrical rollers, as taught by Pitner, motivation being provide a predetermined operating capacity based on the application of the linear device.

Michioka does not teach the arm portions being chamfered, however it was well known in the art to chamfer a machine component in order for a first element to easily fit into a second element. It would have been obvious to one of ordinary skill in the art at the time the invention was made to chamfer the arm portions of Michioka, motivation

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being to facilitate in fitting the arm portions into the guide grooves. Alternatively, Pitner illustrates the arm portions having rounder ends. It would have been obvious to one of ordinary skill in the art to form the arm portions of Michioka with rounded ends, as taught by Pitner, motivation being to better facilitate the movement of the arm portions in the guide groove.

Allowable Subject Matter

3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C. Joyce/ 2/26/08
Primary Examiner, Art Unit 3682